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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Brian D. Zelickson, et al.

Serial No.: 10/633,820

Filed: August 4, 2003

For: DEVICE AND METHOD FOR  
TREATMENT OF GASTROESOPHAGEAL  
REFLUX DISEASE

)  
) Group Art Unit: 3736

)  
) Confirmation No.: 7509

)  
) Examiner: John Lacyk

TRANSMITTAL

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

1. Documents enclosed:

Transmitted herewith in response to the Office Action mailed August 25, 2005, for the above-identified application, are the following:

- ☒ Amendment and Response to Office Action (7 pages);
- ☒ Terminal Disclaimer (3 pages); and
- ☒ Fee Transmittal for FY 2005 (1 page) *in duplicate*;
- ☒ Supplemental Information Disclosure Statement (3 pages) and PTO/SB/08A (1 page);

CERTIFICATE OF FACSIMILE TRANSMISSION  
(37 C.F.R. §1.8 (a))

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposit with the United States Postal Services on the date shown below with sufficient postage as "First Class Mail" to addressee in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

11/17/05  
Date of Deposit  
PA/52173268.1

Carolyn Tobias

Name of Person transmitting Paper

Carolyn Tobias

Signature of Person transmitting Paper

- ☒ Return Postcard;
- ☒ If any extension fee is required, please consider this a petition therefore.

3. **TERMINAL DISCLAIMER Fee:**

Terminal Disclaimer	\$130.00
Information Disclosure Statement	\$180.00
Fee for Extension of time	\$0.00
<b>TOTAL FEES DUE HEREWITH</b>	<b>\$310.00</b>

4. **Method of Payment of fee:**

- ☒ Charge Bingham McCutchen's Deposit Account No. **50-2518** in the amount of **\$310.00**.
- ☒ The Commissioner is authorized to charge Bingham McCutchen's Deposit Account No. **50-2518** for any fees required by the filing of these papers that are not covered, in whole or in part, by a check enclosed herewith and to credit any overpayments to said Deposit Account No. **50-2518**.

Respectfully submitted,

BINGHAM McCUTCHEN LLP

Dated: \_\_\_\_\_

11-17-05

By: \_\_\_\_\_



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**FEE TRANSMITTAL  
for FY 2005**

Effective 10/01/2004. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27**TOTAL AMOUNT OF PAYMENT (\$)** 310.00**Complete if Known**

Application Number	10/633,820
Filing Date	August 4, 2003
First Named Inventor	Brian D. Zelickson
Examiner Name	John P. Lacyk
Art Unit	3736
Attorney Docket No.	2024580-7039313001 (04-0004 (US04))

**METHOD OF PAYMENT (check all that apply)**
☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None
☒ Deposit Account:Deposit  
Account  
Number

50-2518

Deposit  
Account  
Name

Bingham McCutchen LLP

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments  
☐ Charge any additional fee(s) during the pendency of this application  
☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.
**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	790	2001	395	Utility filing fee	
1002	350	2002	175	Design filing fee	
1003	550	2003	275	Plant filing fee	
1004	790	2004	395	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	200.00
<b>SUBTOTAL (1)</b>					<b>(\$200.00)</b>

**2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE**

Total Claims		-	**	=	0	X	Fee from below	=	0
Independent Claims		-	**	=	0	X		=	0
Multiple Dependent						X		=	0

Large Entity		Small Entity		Fee Description
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
1202	18	2202	9	Claims in excess of 20
1201	88	2201	44	Independent claims in excess of 3
1203	300	2203	150	Multiple dependent claim, if not paid
1204	88	2204	44	** Reissue independent claims over original patent
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent

**SUBTOTAL (2)** (\$) 0

\*or number previously paid, if greater; For Reissues, see above

**FEE CALCULATION (continued)****3. ADDITIONAL FEES**


Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet.	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	430	2252	215	Extension for reply within second month	
1253	980	2253	490	Extension for reply within third month	
1254	1,530	2254	765	Extension for reply within fourth month	
1255	2,080	2255	1,040	Extension for reply within fifth month	
1401	340	2401	170	Notice of Appeal	
1402	340	2402	170	Filing a brief in support of an appeal	
1403	300	2403	150	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,370	2453	685	Petition to revive - unintentional	
1501	1,370	2501	685	Utility issue fee (or reissue)	
1502	490	2502	245	Design issue fee	
1503	660	2503	330	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17 (q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	790	2809	395	Filing a submission after final rejection (37 CFR § 1.129(a))	
1810	790	2810	395	For each additional invention to be examined (37 CFR § 1.129(b))	
1801	790	2801	395	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify) Information Disclosure Statement - \$180Other fee (specify) Terminal Disclaimer - \$130

310.00

\*Reduced by Basic Filing Fee Paid

**SUBTOTAL (3)** (\$) 310**SUBMITTED BY****Complete (if applicable)**

Name (Print/Type)	David T. Burse	Registration No. (Attorney/Agent)	37,104	Telephone	(650) 849-4400
Signature				Date	November 17, 2005

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.